

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAMITA J. FULGHEN,

Plaintiff,

v.

Case No. 10-11150

Honorable Patrick J. Duggan

POSTMASTER GENERAL JOHN E.
POTTER,

Defendant.

**ORDER DENYING PLAINTIFF'S APPLICATION FOR APPOINTMENT OF
COUNSEL**

On March 22, 2010, Plaintiff filed this pro se civil rights action against Defendant. On the same date, Plaintiff filed applications to proceed in forma pauperis, for service by the United States Marshal, and for appointment of counsel. Plaintiff has been granted leave to proceed in forma pauperis and for service by the U.S. Marshal. The Court, however, denies her request for appointment of counsel.

“Appointment of counsel in a civil case is not a constitutional right. . . . It is a privilege that is justified only by exceptional circumstances. . . .” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993) (quotation marks and internal citations omitted).

Whether such circumstances exist depends upon “the type of case and the abilities of the plaintiff to represent himself [or herself]. . . . This generally involves a determination of the complexity of the factual and legal issues involved.” *Id.* at 606 (internal quotation

marks and citations omitted). It is not appropriate for a court to appoint counsel pursuant to 28 U.S.C. § 1915(d) for a litigant proceeding in forma pauperis when the litigant's claims are frivolous or "the chances of success are extremely slim." *Id.* (quoting *Mars v. Hanberry*, 752 F.2d 254, 256 (6th Cir. 1985)).

At this stage of the proceedings, it does not appear that exceptional circumstances warrant the appointment of counsel for Plaintiff. The facts and legal issues do not appear complex and Plaintiff appears capable of representing herself. It is too early for this Court to assess whether Plaintiff's claims are frivolous or the chances of her claims succeeding. Therefore, Plaintiff's application for appointment of counsel is **DENIED**.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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